



General Assembly

February Session, 2016

Raised Bill No. 339

LCO No. 2135



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING CONFLICTS OF INTEREST DUE TO AN
EMPLOYER OTHER THAN THE STATE UNDER THE STATE CODE OF
ETHICS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 1-85 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) A public official, including an elected state official, or state
4 employee has an interest which is in substantial conflict with the
5 proper discharge of his or her duties or employment in the public
6 interest and of his or her responsibilities as prescribed in the laws of
7 this state, if [he] such official or employee has reason to believe or
8 expect that [he, his] such official or employee, such official's or
9 employee's spouse, [a] dependent child, employer other than the state
10 or a business with which he or she is associated will derive a direct
11 monetary gain or suffer a direct monetary loss, as the case may be, by
12 reason of his or her official activity. A public official, including an
13 elected state official, or state employee does not have an interest which
14 is in substantial conflict with the proper discharge of his or her duties

15 in the public interest and of his or her responsibilities as prescribed by
16 the laws of this state, if any benefit or detriment accrues to [him, his]
17 such official or employee or such official's or employee's spouse, [a]
18 dependent child, employer other than the state or a business with
19 which [he, his] such official or employee or such official's or
20 employee's spouse or [such] dependent child is associated as a
21 member of a profession, occupation or group to no greater extent than
22 any other member of such profession, occupation or group. [A] Except
23 as provided in subsection (b) of this section, a public official, including
24 an elected state official or state employee who has a substantial
25 conflict, may not take official action on the matter.

26 (b) If an elected state official has a substantial conflict regarding a
27 matter that concerns a direct monetary gain or direct monetary loss for
28 the other employer of such official, such official shall either excuse
29 himself or herself from the matter or prepare a written statement
30 signed under penalty of false statement describing the matter
31 requiring action, the nature of the conflict and explaining why, despite
32 the conflict, such official is able to vote and otherwise participate fairly,
33 objectively and in the public interest in such matter. Such official shall
34 submit a copy of such statement to the Office of State Ethics and enter
35 a copy of the statement in the journal or minutes of such official's
36 agency.

37 Sec. 2. Subsection (a) of section 1-86 of the general statutes is
38 repealed and the following is substituted in lieu thereof (*Effective*
39 *October 1, 2016*):

40 (a) Any public official or state employee, other than an elected state
41 official, who, in the discharge of such official's or employee's official
42 duties, would be required to take an action that would affect a
43 financial interest of such official or employee, such official's or
44 employee's spouse, parent, brother, sister, child, [or] the spouse of a
45 child, employer other than the state or a business with which such
46 official or employee is associated, other than an interest of a de

47 minimis nature, an interest that is not distinct from that of a substantial
 48 segment of the general public or an interest in substantial conflict with
 49 the performance of official duties as defined in section 1-85 has a
 50 potential conflict of interest. Under such circumstances, such official or
 51 employee shall, if such official or employee is a member of a state
 52 regulatory agency, either excuse himself or herself from the matter or
 53 prepare a written statement signed under penalty of false statement
 54 describing the matter requiring action and the nature of the potential
 55 conflict and explaining why, despite the potential conflict, such official
 56 or employee is able to vote and otherwise participate fairly, objectively
 57 and in the public interest in such matter. Such public official or state
 58 employee shall [deliver] submit a copy of the statement to the Office of
 59 State Ethics and enter a copy of the statement in the journal or minutes
 60 of the agency. If such official or employee is not a member of a state
 61 regulatory agency, such official or employee shall, in the case of either
 62 a substantial or potential conflict, prepare a written statement signed
 63 under penalty of false statement describing the matter requiring action
 64 and the nature of the conflict and [deliver] submit a copy of the
 65 statement to such official's or employee's immediate superior, if any,
 66 who shall assign the matter to another employee, or if such official or
 67 employee has no immediate superior, such official or employee shall
 68 take such steps as the Office of State Ethics shall prescribe or advise.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2016</i>	1-85
Sec. 2	<i>October 1, 2016</i>	1-86(a)

Statement of Purpose:

To apply substantial conflict of interest provisions in the state code of ethics for public officials and state employees to conflicts involving the public official's or state employee's nonstate employer.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]